

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:	)	CASE NO: 20-51179
	)	
LORENZO L. RHODES	)	CHAPTER 7
	)	
Debtor	)	HON. ALAN M. KOSCHIK
	)	BANKRUPTCY JUDGE
*****	)	
	)	
MARC P. GERTZ, Trustee in Bankruptcy	)	ADV. PROCEEDING NO
for Lorenzo L. Rhodes	)	
11 S. Forge St.	)	
Akron, OH 44304	)	
Plaintiff,	)	
vs.	)	<u>C O M P L A I N T:</u>
	)	<b>PREFERENCE AVOIDANCE</b>
CREDIT ACCEPTANCE CORP	)	
ATTN: BRETT A. ROBERTS, CEO	)	
25505 West 12 Mile Rd.	)	
Southfield, MI 48034	)	
Defendant.	)	

Now comes Plaintiff, Marc P. Gertz, and for his Complaint states as follows:

1. Jurisdiction herein is predicated upon the provisions of 28 U.S.C. §1334, 28 U.S.C. §157 (a) and (b) and 11 U.S.C. §547. This matter is a core proceeding as defined by the provisions of 28 U.S. C. §157.
2. Plaintiff is the duly appointed, qualified and acting Chapter 7 Trustee herein, having been so appointed on June 8, 2020.
3. On June 8, 2020, Debtor filed a Chapter 7 bankruptcy proceeding in the U.S. Bankruptcy Court, Northern District of Ohio, Eastern Division.
4. Within Ninety (90) days of said filing date, Defendant collected the sum of One Thousand Seven Hundred One Dollars and Sixty-Six Cents (\$1,701.66) from the Debtor.

5. The receipt of said funds represents a preference which occurred within the 90 days preceding the date of the debtor's bankruptcy filing.

6. At the time of said payments, the debtor was insolvent or as a result of said preference, the debtor became insolvent.

7. Said payments were on account of an antecedent debt and was made within 90 days before the filing of the petition.

8. Unless said funds are paid to the estate, the defendant will be placed in a disproportionate advantageous position than it would have been in if said funds would not have been received.

WHEREFORE, Plaintiff prays that the aforesaid preference be avoided, that Defendant pay Plaintiff's costs herein, and for such further and additional relief as may be appropriate.

Respectfully submitted,

/s/ Marc P. Gertz  
Marc P. Gertz, #0003808  
Chapter 7 Trustee  
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